

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 55

March 23, 1999, 2:32 p.m.
Page S-3077 Temp. Record

EMERGENCY SUPPLEMENTAL/No Funds to Send Troops to Kosovo, Cloture

SUBJECT: Emergency Supplemental Appropriations and Rescissions Act for fiscal year 1999 . . . S. 544. Lott motion to close debate on the Lott (for Smith (of New Hampshire)) amendment No. 124 to the Hutchison amendment No. 81.

ACTION: CLOTURE MOTION REJECTED, 55-44

SYNOPSIS: As reported, S. 255, the Emergency Supplemental Appropriations and Rescissions Act for fiscal year 1999, will provide \$1.894 billion in new budget authority (\$1.563 billion in emergency appropriations and \$331 million in non-emergency appropriations), and will offset the cost by passing \$1.894 billion in rescissions and program deferrals. A total of \$977 million will be given in disaster assistance to South American countries, \$100 million will be given to Jordan, and \$308 million will be given for agricultural relief (twice as much as was requested). Also, the Federal Government will be barred from taking ("recouping") approximately \$19 billion from the States out of the funds that they have won in settlement of their suits against tobacco companies.

The Hutchison amendment would prohibit the use of any appropriated funds from this Act or any other Act to be obligated or expended for any deployment of ground forces of the United States to the Serbian province of Kosovo unless and until the parties to the conflict in Kosovo had signed an agreement for the establishment of peace in Kosovo and the President had met certain reporting and certification requirements to Congress.

The Lott (for Smith (of New Hampshire)) amendment would strike all after the first word of the amendment and would insert in lieu thereof a ban on the use of any appropriated funds for conducting military operations by United States Armed Forces in the Federal Republic of Yugoslavia (which is comprised of Serbia and Montenegro) without prior, specific authorization by law of such operations. The ban would not apply: to intelligence or intelligence-related activities or surveillance; to the provision of logistical support; or to any measure necessary to defend the Armed Forces of the United States against an immediate threat. The amendment would make two findings: that United States national security interests in Kosovo do not rise to a level that warrants military

(See other side)

YEAS (55)			NAYS (44)		NOT VOTING (1)	
Republicans (54 or 100%)	Democrats (1 or 2%)		Republicans (0 or 0%)	Democrats (44 or 98%)	Republicans (1)	Democrats (0)
Abraham	Hutchinson	Feingold	Akaka	Kennedy	Cochran- ⁴	
Allard	Hutchison		Baucus	Kerrey		
Ashcroft	Inhofe		Bayh	Kerry	EXPLANATION OF ABSENCE: 1—Official Business 2—Necessarily Absent 3—Illness 4—Other SYMBOLS: AY—Announced Yea AN—Announced Nay PY—Paired Yea PN—Paired Nay	
Bennett	Jeffords		Biden	Kohl		
Bond	Kyl		Bingaman	Landrieu		
Brownback	Lott		Boxer	Lautenberg		
Bunning	Lugar		Breaux	Leahy		
Burns	Mack		Bryan	Levin		
Campbell	McCain		Byrd	Lieberman		
Chafee	McConnell		Cleland	Lincoln		
Collins	Murkowski		Conrad	Mikulski		
Coverdell	Nickles		Daschle	Moynihan		
Craig	Roberts		Dodd	Murray		
Crapo	Roth		Dorgan	Reed		
DeWine	Santorum		Durbin	Reid		
Domenici	Sessions		Edwards	Robb		
Enzi	Shelby		Feinstein	Rockefeller		
Fitzgerald	Smith, Bob		Graham	Sarbanes		
Frist	Smith, Gordon		Harkin	Schumer		
Gorton	Snowe		Hollings	Torricelli		
Gramm	Specter		Inouye	Wellstone		
Grams	Stevens		Johnson	Wyden		
Grassley	Thomas					
Gregg	Thompson					
Hagel	Thurmond					
Hatch	Voinovich					
Helms	Warner					

Compiled and written by the staff of the Republican Policy Committee—Larry E. Craig, Chairman

operations by the United States; and that Kosovo is a province in the Federal Republic of Yugoslavia, which is a sovereign state.

On March 19, Senator Lott sent to the desk, for himself and others, a motion to close debate on the Smith amendment.

NOTE: A three-fifths majority (60) vote is required to close debate. After the vote, both the pending amendments were withdrawn. The Senate later voted on a measure to approve of the United States using aircraft to attack Serbia (see vote No. 57).

Those favoring the motion to invoke cloture contended:

Argument 1:

Whether the Senate votes to authorize the President to go to war against Serbia or not will not have the slightest effect on him. He has already arrogantly, and very belatedly, summoned a handful of Members to the White House to tell them that the decision has been made by him and him alone. Only after groveling by Republicans and Democrats did he finally agree at least to send a letter to Congress saying he would like for Members to approve attacking Serbia. However, that letter in no way implies that he will not attack if Congress does not approve.

President Clinton is showing a complete and utter lack of regard for the Constitution. Congress has the power to declare war, not the President. He is commander-in-chief and he has the power to conduct foreign policy, but Congress alone may declare war. It is true that Presidents throughout history have involved the United States in conflicts without approval from Congress, but for the most part those conflicts have been minor. This action that the President wants to take could lead to a huge commitment of funds and a huge loss of American lives. Constitutionally he has no right to take this action without a declaration of war from Congress. Additionally, as Vietnam tragically proved, there is no way that the United States can sustain and win a large military campaign without the support of Congress and the American people. Going to war without that support will divide the nation and doom the effort, regardless of any merit it may have.

Republicans and Democrats alike have urged the President to ask for a declaration of war, but he has refused. Under the circumstances, the only means we have to stop the President from proceeding unilaterally is to exercise Congress' ultimate power, the power of the purse. No one questions Congress' right to deny funding. That fundamental legislative right developed, in fact, as a means for legislatures to restrain kings from bankrupting countries by engaging in constant and foolhardy military ventures. Should Congress' authority to exercise the power of the purse be questioned or ignored we would have a constitutional crisis of unparalleled proportions. If the Smith amendment were to pass, and were to be enacted over President Clinton's certain veto, it could not be ignored.

Some Senators have questioned the effectiveness of the amendment by suggesting that President Clinton would artfully interpret its limited exceptions to justify doing anything he wanted. We admit that President Clinton has a proven ability to come up with his own unique definitions of words and phrases, but we think that even he would pause before trying such lawyerly games with language clearly intended to stop him from unilaterally declaring war and risking American lives. Also, it is worth noting that with the Smith amendment we would at least have a chance of stopping the President; without it, he is going to act on his own.

Most of us who support this amendment do not believe that the United States should attack Serbia. Others of us agree that it has become necessary. We all agree that it should not be a decision that is made unilaterally by the President.

Argument 2:

By supporting cloture, we are not arguing that we should cut off funds for attacking Serbia unless Congress first declares war. Instead, we are voting to move the debate forward to a conclusion. Voting against cloture may result in endless debate without ever reaching an up-or-down vote by Senators before the bombing commences. Senators have a duty to go on record on this issue before the fact. On that basis, we support cloture.

Those opposing cloture contended:

Most of us agree with President Clinton that the United States must immediately attack Serbia for humanitarian and strategic reasons. A large number of us also believe that constitutionally he is required to get a declaration of war from Congress before initiating hostilities. However, we oppose cloture on the Smith amendment for two reasons. First, it does not address the issue that the Senate has a responsibility to face, which is whether or not the United States should declare war on Serbia. Denying funding until such time as Congress gets around to making a decision would send a very ambiguous message. Second, the amendment's exceptions are so broadly worded that the President could actually use it as justification for attacking. For instance, he could use the "immediate threat" exception to say that he had to attack in order to relieve an immediate threat posed by Serbia to United States forces in Macedonia or Bosnia. By voting against cloture, we are not trying to delay matters. Our hope is that the Senate will soon have an up-or-down vote on attacking Serbia. For now, though, we must oppose cloture.